

3619. Adulteration of catsup. U. S. v. 11 Barrels of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5696. S. No. W-5.)

On April 23, 1914, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 barrels of catsup remaining unsold in the original unbroken packages at Seattle, Wash., alleging that the product had been shipped on or about April 15, 1914, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "S. & P. S. P. Co. Seattle, Wash., Lewis Packing Co., San Francisco, Calif. Favorite Brand Catsup 1/10 of 1 per cent Benzoate of Soda, Tomatoes, Sugar, Starch, Salt, Spices, Vinegar."

It was alleged in the libel that said label and branded direction or designs were of a sufficient size to be easily read and the general appearance of said label, printed or stenciled matter, or design, gave the impression that said food product was pure and of pure vegetable character and substance, except for the presence of said mentioned quantity of benzoate of soda; that each of said mentioned representations and statements contained in said mentioned design, label or branding description, printed, attached, or written upon said 11 barrels of catsup was false, misleading, and untrue, and said food product was not pure and did not consist wholly of the substances named on said label. It was further alleged that the product was adulterated in that it consisted, in whole or in part, of filthy, decomposed, and putrid vegetable substances, and further contained harmful, poisonous,¹ and deleterious bacteria and spores, to wit, analysis of sample at the San Francisco laboratory showed 240,000,000 bacteria per cubic centimeter, 115 shorts [spores] and yeasts per 1/60th cubic millimeter, mold filaments present in 53 per cent of all fields examined, and that in addition the said catsup contained black rot and other débris and was unfit for consumption or use and injurious to health; that the presence of said injurious, deleterious, harmful, and poisonous ingredients or substances, above described and mentioned, was not declared or mentioned on the said label or brand; all in violation of the provisions of the act of June 30, 1906.

On August 3, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

¹ When this case was reported for action it was not claimed by this department that the product contained poisonous ingredients and was injurious to health.